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A-10004229-1

<p>(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.</p> <p>Date of Deposit: <i>March 15, 2004.</i> Typed Name: Ann Marie Radcliffe Signature: <i>Ann Marie Radcliffe</i></p>	<p>() I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on the date shown below.</p> <p>Date of Facsimile: Typed Name: Signature: _____</p>
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Schneider, *et al.*

Examiner: Jose R. Diaz

Serial No.: 09/680,726

Group Art Unit: 2571

Filing Date: 10/5/2000

Title: A VCSEL Device With Improved Modal Properties

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OFFICE OF PETITIONS

THE ASSISTANT COMMISSIONER OF PATENTS

WASHINGTON, D.C. 20231

Renewed Petition under 37 CFR 1.137(b)

Dear Sir:

Applicants respectfully request reconsideration of this RENEWED PETITION UNDER 37 CFR 1.137(b).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

1. the required reply
2. the petition fee as set forth in 37 CFR 1.17(m)
3. a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional
4. any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)

It is noted in the correspondence dated 3 March 2004 that the amendment filed did not place the application in condition for allowance. The petitioner has been requested to file either an amendment that places the application in condition for allowance or a request for continued examination or a Notice of Appeal.

Applicants include in this correspondence:

- a request for continued examination with a preliminary amendment – the preliminary amendment corresponding to the response filed on 30 January 2004
- a copy of the transmittal letter authorizing petition fees to be debited from our deposit account
- a copy of the petition filed on 30 January 2004

The petition includes the statement that the entire delay in filing the required reply was unintentional and notes that a terminal disclaimer is unnecessary as the filing date of the application is after 8 June 1995.

Respectfully submitted,
Schneider, et al.

Pamela Lau Kee

Pamela Lau Kee
Patent Reg. No. 36,184

March 15, 2004
Agilent Technologies
Intellectual Property Administration
Legal Department, M/S DL-429
815 SW 14 th Street
Loveland CO 80537
(408) 553-3059

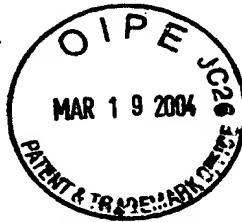
IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Richard P. Schneider

Serial No.: 09/680.726

Filing Date: 10/5/2000

Title: A VCSEL Device With Improved Modal Properties



Examiner: Jose R. Diaz

Group Art Unit: 2571

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Sir:

Please charge the required fee set forth in 37 CFR 1.137 (b) of \$1300.00 Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: 30 January 2004

() I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile:

Typed Name: Ann Marie Radcliffe

Signature: Ann Marie Radcliffe

Rev 05/03 (ABDWTHD)

Respectfully submitted,

Richard P. Schneider

By Pamela Lau Kee

Pamela Lau Kee

Attorney/Agent for Applicant(s)

Reg. No. 36,184

Date: 30 January 2004

Telephone No.: (408) 553-3509

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